

## Freedom of the Press

Press freedom in Japan is constitutionally guaranteed and generally respected in practice. However, in December 2013 Japan's parliament swiftly passed a controversial secrecy law, the Act on the Protection of Specially Designated Secrets. The law gives the heads of state organs the power to designate information pertaining to defense, foreign affairs, counterterrorism, and the prevention of "designated harmful activities" as state secrets, and the unauthorized disclosure of such information is punishable by up to 10 years imprisonment. Whistleblowers and journalists are also subject to up to five years in prison for intentionally receiving the protected information through "grossly inappropriate means." Local and international advocacy groups denounced the law for its harsh penalties as well as its vaguely worded language and failure to include a provision for the independent review of secrecy designations. Experts also expressed concern that the bill gives government agencies broad powers to withhold a wide range of information.

Defamation can be prosecuted as either a civil or criminal offense and is punishable with fines of 500,000 yen (\$5,100) or up to three years in prison. Journalist Minoru Tanaka, who had faced civil charges in 2012, saw the 67 million yen (\$688,000) lawsuit against him dropped in August 2013. Tanaka had been accused by Shiro Shirakawa, an industrial entrepreneur, of defamation for an investigative article about Shirakawa's relationships with political figures and Tokyo Electric Power Company (TEPCO), the owner of the Fukushima Daiichi Nuclear Power Plant, which had suffered a meltdown after a massive earthquake and tsunami in 2011.

Japan has a freedom of information law, which requires government agencies to respond to demands for information within 30 days and to disclose relevant information. The law also mandates an independent review board, which is generally praised for its favorability toward the appellant seeking information. It remains to be seen how the new secrecy bill limits the scope of the freedom of information law.

Some weaknesses in the country's media environment have been highlighted in the aftermath of the March 2011 earthquake and tsunami. The strength of the country's restrictive *kisha kurabu* (press clubs) system, combined with the financial clout of the power-supply industry, has greatly discouraged investigative reporting on the nuclear disaster. The press clubs have long been at the center of concerns regarding the lack of diversity and independence in Japanese news media, as they foster cozy relationships with bureaucrats and politicians in which journalists are granted access in exchange for refraining from writing critical stories. Meanwhile, freelance and foreign journalists face routine discrimination, especially when reporting on issues related to Fukushima. Following the 2011 catastrophe, a group of independent journalists who were dissatisfied with the system launched the Free Press Association of Japan. However, the influence of the group remained relatively small in 2013. Although the Japanese government denies accusations of censorship, incidents were reported in which freelance journalists and citizen bloggers were stopped from or faced repercussion for disseminating critical information regarding Fukushima throughout the year. Physical attacks or instances of harassment against members of the press are rare, and none were reported in 2013.

Japan has one of the highest print readerships in the world. More than half of the national newspaper market is controlled by three major papers: the *Yomiuri Shimbun*, the *Asahi Shimbun*, and the *Mainichi Shimbun*. There is considerable homogeneity in reports, which relate the news in a factual and neutral manner. Television news content, once dominated by the public broadcaster NHK, has diversified

considerably with the rising popularity of TV Asahi, Fuji TV, the Tokyo Broadcasting System, and satellite television. Japan also has roughly 273 community radio stations. The internet remained a major source of news, and around 86 percent of the population accessed the medium in 2013.

The 2011 earthquake and nuclear disaster highlighted the influence of TEPCO on Japan's advertising industry. The company reportedly spends 24.4 billion yen (\$238 million) a year on advertising, a factor that likely contributed to the media's conservative reporting on its handling of the nuclear crisis. In May 2012, the Japanese government approved plans to take a controlling stake in TEPCO as part of a 1 trillion yen (\$12.5 billion) taxpayer bailout. In December 2013, the government also announced plans to earmark 101.2 billion yen (\$1 billion) in 2014 to support TEPCO's operation. Moreover, many journalists have economic links to the nuclear industry. Reporters with the *Nikkei* and *Mainichi Shimbun* newspapers have reportedly gone on to work for pro-nuclear organizations and publications.

## **2014 Scores**

### **Press Status**

Free

### **Press Freedom Score**

**(0 = best, 100 = worst)**

25

### **Legal Environment**

**(0 = best, 30 = worst)**

5

### **Political Environment**

**(0 = best, 40 = worst)**

14

### **Economic Environment**

**(0 = best, 30 = worst)**

6